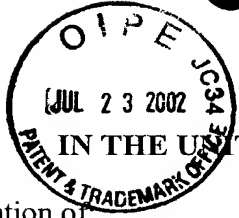


MB

MP



PATENT
ATTORNEY DOCKET 053529-5005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of.

KIM NOCKA *et al.*

Application No. 10/005,907

Filed: December 7, 2001

Group Art Unit: 1645

Examiner: Unassigned

For: NOVEL GENES ASSOCIATED WITH ALLERGIC HYPERSENSITIVITY
AND MAST CELL ACTIVATION

Commissioner of Patents
BOX MISSING PARTS
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed January 23, 2002. A copy of the Notice is enclosed.
2. Declaration Or Oath
 - ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
 - ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
 - ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.
3. English Translation of Non-English Language Papers
 - ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. Also enclosed is the Verification of Translation Document.
4. Small Entity Status
 - ☐ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

07/25/2002 MABDI1 00000009 500310 10005907

05 FC:118 1440.00 CH

5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input checked="" type="checkbox"/> four months	\$1,440.00	\$720.00
<input type="checkbox"/> five months	\$1,960.00	\$980.00

Extension of time fee due with this request: **\$1440.00**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicants believe that no extension of time is required. However, in the event applicant has inadvertently overlooked the need for a petition and fee for extension of time, applicants hereby petition for such an extension and requests that any fee therefor be charged to our Deposit Account No. 50-0310.

6. Fee Calculation

					Fee Code
Basic Fee				\$740.00	101/201
	Number Filed	Number Extra	at a Rate of (Lg /Sm.Entity)		
Total Claims	71 - 20 =	51	\$18/\$9 each=	\$918.00	103/203
Independent Claims	7 - 3 =	4	\$84/\$42 each=	\$336.00	101/202
Multiple dependent claim(s), if any			\$280/\$140	\$0.00	104/204
SUB-TOTAL =				\$1994.00	
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))			\$130/\$65	\$130.00	105/205
Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))		\$110/\$55 (1 Month)		\$1440.00	115/215
		\$400/\$200 (2 Months)			116/216
		\$920/\$460 (3 Months)			117/217
		\$1440/\$720 (4 Months)			118/218
		\$1960/\$980 (5 Months)			128/228
SUB-TOTAL =				\$3564.00	
TOTAL FILING FEE =				\$3564.00	

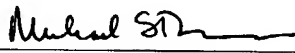
7. Fee Payment

- ☒ Please charge Deposit Account No. 50-0310 in the amount of **\$3564.00** representing the total fee due (\$1440.00 for four month extension of time, \$740.00 for the filing fee, \$1254.00 for additional claim fees, and \$130.00 late filing surcharge fee).
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☒ Preliminary Amendment
- ☒ Submission of Substitute Drawings CoverSheet w/ 29 sheets, 29 figures
- ☐ Claim for Priority
- ☐ Certified copy of priority document
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, ___references listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Other:

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Michael S. Tuscan
Reg. No. 43,210

Date: July 23, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/005,907	12/07/2001	Karl Nocka	053529-5005-US



MORGAN, LEWIS & BOCKIUS LLP
1800 K Street, NW
Washington, DC 20036

Docketed 1-28-02 Attorney MST/MST/EPV
Case 53529-5005
Due Date 3-23-02
Action Missing Parts
By SDW Chk PSB

CONFIRMATION NO. 7080



OC000000007345501

Date Mailed: 01/23/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/25/2002 MABDI1 00000009 500310 10005907 FILED UNDER 37 CFR 1.53(b)

01 FC:101 740.00 CH
02 FC:102 336.00 CH
03 FC:103 918.00 CH
04 FC:105 130.00 CH

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).


- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$10534.
 - \$9918 for 551 total claims over 20.
 - \$336 for 4 independent claims over 3.
 - \$280 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 11404.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE